

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PERCY LEVY,

12 Plaintiff,

13 v.

14 WASHINGTON STATE DEPARTMENT
15 OF CORRECTIONS, *et al*,

16 Defendants.

Case No. C08-5694RJB-KLS

ORDER REGARDING
PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on defendants' filing of a motion to dismiss for failure to exhaust administrative remedies. (Dkt. #3). On November 26, 2008, defendants filed their motion to dismiss, which currently is noted for consideration on December 19, 2008. On December 19, 2008, defendants filed their reply (Dkt. #4) to plaintiff's response to their motion. As noted in defendants' reply, however, it appears that plaintiff never filed a copy of that response with the Court, even though he is obligated to do so by the Local Rules of this Court. See Local Rule CR 7(b)(2).

Accordingly, plaintiff hereby is ordered to file a copy of his response to defendants' motion to dismiss by **no later than January 23, 2009**. The Clerk shall re-note defendants' motion to dismiss (Dkt. #3) for consideration on **January 30, 2009**. **Plaintiff is warned that failure to file a copy of his response with the Court by that date may be considered as an admission that the motion has merit.**

